

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TENNESSEE

Carmel Estrada
Defendant

v.

Case No. 11-cr-20192

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U.S. DISTRICT COURT
WESTERN DISTRICT OF TENNESSEE
MEMPHIS, TN

United States of America;
Federal Bureau of Prisons;
Respondent

PETITION FOR REDUCTION IN SENTENCE
OR COMPASSIONATE RELEASE PURSUANT
TO 18 U.S.C. § 3582(c)(1)(A)

Defendant Carmelo Estrada; petition the Honorable Court to modify or reduce his imprisonment term pursuant to 18 U.S.C. § 3582(c)(1)(A) in the form of a sentence reduction to time served in accordance to the First Step Act of 2018 enacted into law by Congress, and the President on December 21, 2018;

1. A reduction in sentence or compassionate release of Federal Bureau of Prisons Program Statement 5050.50, U.S.S.G. 1b1.13 or 18 U.S.C. § 3582(c)(1)(A).

2. Congress and the President granted District Courts the discretion to decide whether to grant a petition for Compassionate Release relief.

3. In reviewing a pro se [Defendant's] complaint, the Court must accept all factual allegation in the [petition] as true and take them in the light most favorable to the Pro se [Defendant]. See Erickson v. Pardus, 551 U.S. 89, 93, 127 S.Ct. 2197, 167 L.Ed.2d 1081 [2007]. A Court must employ less stringent standards when considering pro se pleadings than when judging the work product of an attorney. Haines v. Kerner, 404 B.A. 530-531, 95 S.Ct. 594, 30 L.Ed.2d 652 [1972].

4. The Federal Bureau of Prisons [FBOP] has implemented procedure that govern requests for compassionate release in Program Statement 50 50, 50 §§ 3, 4(b). To qualify for consideration based on a terminal illness or a disease with an end of life trajectory, 1.) HAVE been diagnosed with a terminal illness and have a life expectancy of 18 month or less; or 2.) Have an incurable, progressive illness or have suffered a debilitating injury from which they will not recover. Program Statement 50 50, 50 §§ 3(a), (b). To qualify for consideration based on serious medical condition. If the inmate meet the criteria, the [FBOP] will then determine whether the specific circumstances, of an inmate warrant a reduction in sentence.

5. Estrada; meets the criteria for serious medical conditions of § 571.64 (b) pursuant to 18 U.S.C. § 3582. He is currently suffer from end stage organ failure, Kidney disease, Chronic hypertension, Type I diabetes, open heart surgery, Anemia Secondary to Chronic Renal disease.

See Appendix A

A reduction to time served and immediate release to home confinement is warranted by various factor under § 3583(a) and his deteriorating health, exemplary behavior, and other circumstances. Estrada; does not pose a danger to the public that support grounds that would support reduction of his sentence to time served. Estrada; still meets the qualification for this petition due to his deteriorating health. He has sustained the prerequisites for a § 3582(c)(1)(A) relief are present in this petition. He has exhausted all administrative remedies Id. 1021122-A1 for Compassionate Release and for First Step Act [FSA] of 2018 which replaced the provision with a [Medical terminal illness or extraordinary circumstance] A Medical terminal illness that a person have that has a life expectancy even though is a realistic possibility, I could die any day.

Estrada; requires the assistance of Counsel with obtaining all relevant medical records, and future filings relevant to this case.

CONCLUSION

The Court should make the unilateral, factual determination that Estrada; qualifies for a reduction in Sentence based on his medical terminal illness, and that his seriousness of his medical condition, and that his circumstances warrant.

immediate release of Federal Bureau of Prisons
Program Statement 5050.56, U.S.S.G. 1b1.1B or
18 U.S.C. § 3582(c)(1)(A).

CERTIFICATE OF SERVICE

I hereby certify that a true copy of this 2nd day,
of September, 2020, pre-paid postage First Class mail
deposited in the Prison mailing system at the United
States Medical Center for Federal Prisoners, forwarded
to: The United States District Court; Western District
Court Memphis Tennessee Division.

Respectfully Submitted

Carmelo Estrada

Reg No. 05205-379

Springfield U.S.M.C.F.P.

P.O. Box 4000

Springfield, MO 65801-4000

I, Carmelo Estrada, declare under the
penalty of perjury that the above stated
factual facts are true and correct to the best
of my personal knowledge pursuant to 28 U.S.C.
§ 1746. Executed on this 2nd day of September,
2020;